

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested and dirty apricots.

DISPOSITION: July 7, 1948. Default decree of condemnation and destruction.

13639. Adulteration of dried apricots. U. S. v. 124 Cases * * *. (F. D. C. No. 24036. Sample Nos. 33267-K, 37319-K.)

LIBEL FILED: December 23, 1947, Western District of Washington.

ALLEGED SHIPMENT: On or about October 29, 1947, by Rosenberg Bros. & Co., from Fresno, Calif.

PRODUCT: 124 30-pound cases of dried apricots at Tacoma, Wash.

LABEL, IN PART: "Stadium Brand California Dried Apricots Pacific Sales Co. Tacoma, Wash."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested and dirty apricots.

DISPOSITION: March 3, 1948. Rosenberg Bros. & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be used for purposes other than for human consumption, under the supervision of the Federal Security Agency. The product was subsequently denatured and disposed of for use as hog feed.

13640. Adulteration of prunes. U. S. v. 361 Boxes * * * (and 3 other seizure actions). Cases consolidated and tried to the jury. Verdict for Government. Decree of condemnation and destruction. (F. D. C. Nos. 19965, 20042, 20235, 20390. Sample Nos. 58199-H, 58633-H, 58634-H.)

LIBELS FILED: May 27 and 28, June 10, and July 18, 1946, Southern District of New York, District of Maine, Northern District of New York, and Western District of Washington.

ALLEGED SHIPMENT: On or about February 16 and March 9, 1946, by Rosenberg Bros. & Co., from Riddle and Portland, Ore.

PRODUCT: Prunes. 361 boxes at New York, N. Y., 475 boxes at Portland, Maine, 770 boxes at Albany, N. Y., and 177 cases at Seattle, Wash. Each box and case contained 25 pounds.

LABEL, IN PART: "Northland Brand [or "Red Ribbon Brand"] * * * Dried Oregon Prunes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of prunes affected with brown rot.

DISPOSITION: Rosenberg Bros. & Co., claimant, having filed a motion for consolidation and transfer of the cases, the United States District Court for the Western District of Washington, on November 15, 1946, entered an order directing the consolidation and transfer of the cases to the District of Oregon for trial. On June 4, 1947, the United States District Court for the District of Oregon dismissed the cases from that court and directed that the records in each case be forwarded to the court in which the cases had originated.

On August 26, 1947, pursuant to agreement of the parties, the United States District Court for the Western District of Washington entered an order consolidating the cases for trial in that district. The matter came on for trial before a jury on April 13, 1948, and at the conclusion of the trial on April 14, the jury returned a verdict in favor of the Government. On May 10, 1948, judgment of condemnation was entered and the product was ordered destroyed.

13641. Adulteration of raisins. U. S. v. Peggy Boothe and John Campodonico. Pleas of not guilty. Tried to the court. Judgment of guilty. Each defendant fined \$100. (F. D. C. No. 21524. Sample Nos. 5061-H, 5062-H, 10889-H, 25689-H, 45465-H, 47092-H, 53001-H.)

INFORMATION FILED: March 14, 1947, Northern District of California, against a partner in the Boothe Fruit Co., Modesto, Calif., Peggy Boothe, and John Campodonico, plant superintendent.

ALLEGED SHIPMENT: On or about December 1, 1945, and January 16 and 24 and February 4, 1946, from the State of California into the States of Colorado, Pennsylvania, New York, and Ohio.